

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ABIODUN SOWEMIMO,

Plaintiff,

V.

MACK BADER, et al.,

Defendants.

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Civil No. **08-664-JPG**

ORDER

PROUD, Magistrate Judge:

Before the Court is plaintiff's *pro se* "Motion for Sanction[s]," requesting that the defendants be sanctioned \$500.00 for failing to comply with the Court's December 1, 2009, order (**Doc. 42**) directing defendants to produce documentation relevant to the issue of exhaustion of administrative remedies by December 15, 2009. (**Doc. 43**). The Court construes plaintiff's motion as seeking sanctions pursuant to Federal Rule of Civil Procedure 37, which falls within the undersigned Magistrate Judge's prerogative.

In response, the defendants contend that, as argued in their motion for summary judgment, plaintiff failed to exhaust administrative remedies, and there is nothing additional for them to produce, aside from the grievances and documents already produced. (**Doc. 45**). Plaintiff did not file a reply relative to the subject motion. Rather, plaintiff filed a response to the pending motion for summary judgment, which contained an array of grievances. (*See Doc. 44*).

There is no apparent reason to disbelieve the defendants' assertion that they have produced all documentation relevant to the issue of exhaustion. Plaintiff has failed to establish

that sanctions are warranted.

IT IS THEREFORE ORDERED that plaintiff's motion for discovery sanctions (**Doc. 43**) is **DENIED**.

IT IS SO ORDERED.

DATED: April 28, 2010

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE